

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DERMSOURCE, INC.,

Plaintiff,

-against-

CITYMEDRX, LLC, ROBERT ABAEV, and DAVID
ABAEV,

Defendants.

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Case No.: 2:23-cv-281

**DECLARATION OF
EMANUEL KATAEV, ESQ. IN
SUPPORT OF PLAINTIFF'S
MOTION FOR A TEMPORARY
RESTRAINING ORDER,
PRELIMINARY INJUNCTION, &
PERMANENT INJUNCTION**

Emanuel Kataev, Esq., declares, pursuant to 28 U.S.C. § 1746, under penalty of perjury, that the following is true and correct:

1. I am admitted to practice before this Court and am an associate of Milman Labuda Law Group PLLC, attorneys for the Plaintiff DermSource, Inc. ("DermSource") in this case.

2. As such, I am familiar with all the facts and circumstances heretofore had herein based upon my personal knowledge and a review of the file maintained by this office.

3. The above-entitled case is brought for the purpose of, *inter alia*, obtaining a temporary restraining order, a preliminary injunction, and a permanent injunction for violations committed by the Defendants of the Defend Trade Secrets Act, Wiretap Act, and Computer Fraud & Abuse Act.

4. No previous application for the relief herein prayed for has been made in this Court.

5. I certify that there are no frivolous contentions contained in any of Plaintiff's papers submitted.

6. Pursuant to Rule 65 of the Federal Rules of Civil Procedure and 18 U.S.C. § 1836(A), I certify that this *ex parte* application may be brought without notice to Defendants to secure confidential and proprietary trade secret information. See Mission Capital Advisors LLC v. Romaka, No. 16-cv-5878, 2016 WL 11517040 (S.D.N.Y. July 22, 2016) (entering Order of Seizure and discussing that the relief sought under the Defend Trade Secrets Act may be sought *ex parte* due to the risk that the defendant would make the confidential information and trade secrets inaccessible to the Court or retain unauthorized copies).

7. Notwithstanding the foregoing, Plaintiff will serve Defendants' counsel, who has agreed to accept service of process, via email to Gary M. Kusher and Howard M. Rubin, Esqs., of Geotz Fitzpatrick, LLP, via at gkushner@goetzfitz.com and hrubin@goetzfitz.com, respectively.

I declare under penalty of perjury that the foregoing is true and correct. Executed on January 16, 2023.

/s
Emanuel Kataev, Esq.